

REMARKS

Claims 1-39 are all the claims pending in the application.

Preliminary Matters

The instant application claims priority from Japanese Application 2004-093459.

However, on the Office Action Summary, the Examiner has not indicated acknowledgement of the claim to foreign priority and also has not indicated any reasons why the priority has not been acknowledged. Applicant respectfully requests the Examiner to indicated receipt of all certified copies of the priority documents for claim to foreign priority under 35 U.S.C. § 119, or indicate any missing documents.

Claim Rejections under 35 U.S.C. § 101

Claims 5-16, 32, 34-39 are rejected under 35 U.S.C. § 101 as allegedly being “comprised of software alone without claiming associated computer hardware required for execution, [and] is not supported by either a specific and substantial asserted utility (i.e., transformation of data) or a well established utility (i.e. a practical application),” (Office Action, page 2).

In view of the self-explanatory amendments to claims 5, 7, 8, 32, 34 and 38, Applicant respectfully submits that these claims are patentable under 35 U.S.C. § 101. Applicant further submits that claims 6, 9-16, 35-37 and 39 are patentable at least by virtue of their respective dependency on claims 5, 8, 34 or 38.

Claim Rejections under 35 U.S.C. § 112

Claims 1-39 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being “indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention,” (Office Action, page 2).

Specifically, with respect to claims 1, 17, 34 and 38, the Examiner asserts that the claimed phrases of “valid time period”, “another tentative reservation”, and “issues information” are unclear. In view of the self-explanatory amendments to claims 1, 17, 34 and 38, Applicant respectfully submits that these claims are patentable under 35 U.S.C. § 112.

With respect to claim 3, the Examiner asserts that “it is uncertain what the relationship is between ‘a actually reserved time period’ and ‘said tentatively reserved time period’” (Office Action, page 3). The Examiner then poses the questions “is there a time when the actually reserved time is not included in the tentatively reserved time?”, “How many different times does the tentatively reserved time include?”, and “Does it include a range of acceptable times, and the scheduler schedules the best time within the range?” (Office Acton, pages 3-4). Applicant respectfully submits that claim 3 clearly recites that if a reservation time period is included in a tentatively reserved time period, the reservation time period is changed to an actually reserved time period. The Examiner’s questions are irrelevant to the claim as recited. Accordingly, Applicant respectfully submits that claim 3 is patentable under 35 U.S.C. § 112.

With respect to claims 5, 7, 8, 21, 23 and 32, the Examiner asserts that specific phrases recited in the claims are unclear. In view of the self-explanatory amendments to claims 5, 7, 8, 21, 23 and 32, Applicant respectfully submits that these claims are patentable under 35 U.S.C. § 112.

With respect to claim 33, the Examiner asserts that the claim has the same deficiencies as claim 8. However, claim 33 does not recite any of the phrases the Examiner notes with respect to claim 8 as allegedly being unclear. Accordingly, Applicant respectfully submits that claim 33 is patentable under 35 U.S.C. § 112.

Claim Rejections under 35 U.S.C. § 103

Claims 1-4, 8-20 and 23-39 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ruttenberg et al. (U.S. Publication No. 2002/0083185; hereinafter “Ruttenberg”). Claims 5-7, 21 and 22 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Ruttenberg in view of Bishop et al. (U.S. Patent No. 5,826,082; hereinafter “Bishop”). For at least the following reasons, Applicant respectfully traverses the rejection.

Independent Claims 1, 5, 7, 17, 21, 32-34 and 38

Claim 1 recites a resource management unit for managing one or a plurality of resources, comprising, *inter alia*, “a storage unit for storing another tentative reservation request in a wait queue corresponding to said designated resource, the another tentative reservation request designating said tentatively reserved time period.” Ruttenberg fails to teach or suggest at least this claimed feature.

Ruttenberg discloses a system of scheduling data transfers according to available resources at each node. In the system of Ruttenberg, a transfer module 240 “at each node evaluates a data transfer request in view of satisfying various objectives...[but] rejects (denies) a data transfer request if known storage space and bandwidth limits suggest that a deadline for that data transfer may not be achieved,” (paragraph 26). Ruttenberg clearly discloses not even accepting a data transfer request if for example, a resource required for the data transfer request is already reserved. In contrast, the claimed invention recites storing another tentative reservation request in a wait queue, if the another tentative reservation request designates an already reserved time period.

Ruttenberg further discloses that when a data transfer request is rejected, “one of several types of soft rejections” may be provided (paragraph 32). Specifically, Ruttenberg discloses

suggesting “a later deadline, higher priority, or a later time at which the original request should be resubmitted.” Ruttenberg clearly discloses requiring a second (resubmission) data transfer request which specifies different objectives before evaluating the request again. Ruttenberg still does not teach or even remotely suggest storing the first/original data transfer request in a wait queue until for example, the conflicting objectives are resolved.

Bishop also fails to address the above-identified deficiencies of Ruttenberg.

Accordingly, Applicant respectfully submits that claim 1 is patentable over the applied reference. Claims 5, 7, 17, 21, 32-34 and 38 recite one or more features analogous to those discussed above with respect to claim 1, and are patentable at least for reasons analogous to those given above with respect to claim 1. Applicant further submits that claims 2-4, 6, 18-20, 22, 35-37 and 39 are patentable at least by virtue of their respective dependency on claims 1, 5, 17, 21, 34 or 38.

Independent Claims 8 and 23

Claim 8 and 23, recite in some variation, *inter alia*, receiving a tentative reservation request for a job to tentatively reserve resources, and subsequently receiving a job reservation request for the job to confirm reservation of at least a portion of the tentative reservation. Ruttenberg merely discloses receiving a data transfer request and after evaluation of the request, proceeding to schedule the request. Ruttenberg fails to teach or suggest receiving a tentative reservation request and a job reservation request for the same job, as recited in claims 8 and 23.

Bishop also fails to address the above-identified deficiencies of Ruttenberg.

Accordingly, Applicant respectfully submits that claims 8 and 23 are patentable over the applied references. Applicant furthers submits that claims 9-16 and 24-31 are patentable at least by virtue of their dependency on claims 8 and 23, respectively.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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